

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 23039

PERMIT 15759

LICENSE 10399

ORDER ALLOWING CHANGE IN POINT OF DIVERSION, DESIGNATION OF SOURCE,
PURPOSE OF USE AND MAXIMUM RATE OF DIVERSION,
AND CORRECTING THE DESCRIBED - PLACE OF USE

WHEREAS:

1. A petition for change in point of diversion, purpose of use and maximum rate of diversion and described purpose of use has been filed with the State Water Resources Control Board and said Board has determined that good cause for such changes has been shown.
2. License 10399 was issued to William S. and Mary W. Hildreth and was recorded with the County Recorder of Mendocino County on October 21, 1974 in Book 979, Page 611.
3. The Board has determined that these changes will not operate to the injury of any other legal user of water involved.
4. The Board has duly authorized the Chief, Division of Water Rights, to sign this order.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Permission is hereby granted to change the point of diversion under License 10399 to points of diversion described as follows:

(1) from the underflow of the Russian River, being:

North 300 feet and west 100 feet from S $\frac{1}{4}$ corner of projected Section 21, T15N, R12W, MDB&M, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 21.

(2) from the Russian River, being:

North 500 feet and east 800 feet from S $\frac{1}{4}$ corner of projected Section 21, T15N, R12W, MDB&M, being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 21.

2. Permission is hereby granted to change the purpose of use under License 10399 to purposes of use described as follows:

IRRIGATION AND FROST PROTECTION

3

3. Permission is hereby granted to change the maximum rate of diversion as follows:

twenty-nine hundredths (0.29) cubic foot per second, to be diverted from April 15 to October 15 of each year. So long as there is no interference with other rights, junior, as well as senior, licensee may increase his rate of diversion to a maximum of 1.11 cubic foot per second; provided that the total quantity diverted in any 30-day period does not exceed 17.2 acre-feet. The maximum amount diverted under this license shall not exceed 86 acre-feet per year.

4. The designation of the source under License 10399 is hereby changed to read as follows:

Russian River and Russian River Underflow in Mendocino County

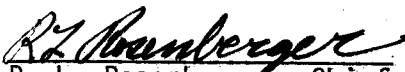
5. The following term is hereby added to License 10399:

When the rate of diversion exceeds 0.54 cubic foot per second the following terms shall apply:

(1) For the protection and preservation of fishlife and the maintenance of related recreational uses, licensee shall divert only from that portion of the streamflow exceeding the minimum amounts specified in Board Order WR 74-30 as such amounts are recorded at the nearest U. S. Geological Survey Gaging Station on the River.

0140068

(2) In accordance with Section 6100 and/or Section 1602 of the Fish and Game Code, no water shall be diverted directly from the Russian River under this license until the Department of Fish and Game has determined that measures necessary to protect fish-life have been incorporated into the plans and construction of such diversion. The construction, operation, or maintenance costs of any facility required pursuant to this provision shall be borne by the licensee.


R. L. Rosenberger, Chief
Division of Water Rights

Dated: AUGUST 11 1978



STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 23039

PERMIT 15759

LICENSE 10399

IDENTIFICATION

THIS IS TO CERTIFY, That

MARY W. HILDRETH AND WILLIAM S. HILDRETH

1550 RUDDICK-CUNNINGHAM ROAD, UKIAH, CALIFORNIA 95482

HAVE made proof as of SEPTEMBER 13, 1973 (the date of inspection)
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
RUSSIAN RIVER UNDERFLOW IN MENDOCINO COUNTY

tributary to PACIFIC OCEAN

for the purpose of IRRIGATION USE
under Permit 15759 of the Board and that the right to the use of this water has been perfected
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the
priority of this right dates from MAY 2, 1968 and that the amount of water to which
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated
purposes and shall not exceed TWENTY-NINE HUNDREDTHS (0.29) CUBIC FOOT PER SECOND, TO
BE DIVERTED FROM APRIL 15 TO OCTOBER 15 OF EACH YEAR. SO LONG AS THERE IS NO
INTERFERENCE WITH OTHER RIGHTS, JUNIOR, AS WELL AS SENIOR, LICENSEE MAY INCREASE
HIS RATE OF DIVERSION TO A MAXIMUM OF 0.54 CUBIC FOOT PER SECOND; PROVIDED THAT
THE TOTAL QUANTITY DIVERTED IN ANY 30-DAY PERIOD DOES NOT EXCEED 17.2 ACRE-Feet.
THE MAXIMUM AMOUNT DIVERTED UNDER THIS LICENSE SHALL NOT EXCEED 86 ACRE-Feet
PER YEAR.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

NORTH 300 FEET AND WEST 100 FEET FROM S1/4 CORNER OF PROJECTED SECTION 21,
T15N, R12W, MDB&M, BEING WITHIN SE1/4 OF SW1/4 OF SAID SECTION 21.

A DESCRIPTION OF LANDS OR THE PLACE WHERE
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

11 ACRES WITHIN SW1/4 OF SE1/4 OF PROJECTED SECTION 21, T15N, R12W, MDB&M
15 ACRES WITHIN SE1/4 OF SW1/4 OF PROJECTED SECTION 21, T15N, R12W, MDB&M
2 ACRES WITHIN NE1/4 OF NW1/4 OF PROJECTED SECTION 28, T15N, R12W, MDB&M

28 ACRES TOTAL

UPON A JUDICIAL DETERMINATION THAT THE PLACE OF USE UNDER THIS LICENSE OR A
PORTION THEREOF IS ENTITLED TO THE USE OF WATER BY RIPARIAN RIGHT, THE RIGHT SO
DETERMINED AND THE RIGHT ACQUIRED UNDER THIS LICENSE SHALL NOT RESULT IN A
COMBINED RIGHT TO THE USE OF WATER IN EXCESS OF THAT WHICH COULD BE CLAIMED UNDER
THE LARGER OF THE TWO RIGHTS.

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

All rights and privileges under this license, including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water, AND TO CARRY OUT LEGALLY ESTABLISHED WATER QUALITY OBJECTIVES.

~~Licensee shall be responsible for the construction, maintenance, and repair of the works and for the payment of the cost thereof. Licensee shall also be responsible for the payment of the cost of the water quality monitoring and for the payment of the cost of the water quality improvement project. Licensee shall also be responsible for the payment of the cost of the water quality monitoring and for the payment of the cost of the water quality improvement project. Licensee shall also be responsible for the payment of the cost of the water quality monitoring and for the payment of the cost of the water quality improvement project.~~

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: OCT 18 1974

STATE WATER RESOURCES CONTROL BOARD

R. L. Rosenberger
Chief, Division of Water Rights

2